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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,597	11/14/2001	Kenji Ose	SIC-00-001-4	3657
29863 7590 04/10/2007 DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069			EXAMINER KIM, CHONG HWA	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 04/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20070403

DATE MAILED:

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Commissioner for Patents

See attached.


CHONG H. KIM
PRIMARY EXAMINER

Art Unit: 2167

Pursuant to the remand under 37 CFR 41.50(a)(1) by the Board of Patent Appeals and Interferences on Feb 28, 2007 **for further consideration of a rejection**, a supplemental Examiner's Answer under 37 CFR 41.50(a)(2) is set forth below:

In response to the BPAI's remand for further clarification of the meaning of the "radially innermost outer peripheral surface of the dial" and the appellant's explanation in the Supplemental Appeal Brief dated Mar 16, 2007, it is the Examiner's interpretation that such phrase is meant to convey that the finger contact projection (584) protrudes radially inwardly from the radially innermost outer peripheral surface of the dial (512). It is understandable how one of ordinary skill in the art may arrive at the conclusion that the language "radially innermost" would be the center of the dial, since taking the language "radially innermost" alone would plainly indicate as such. However, it is the Examiner's interpretation that the adjectives "radially", "innermost", "outer", and "peripheral" are used together as a whole to describe the element "surface". In other words, the language "radially innermost" is not a separately identifiable element from the "outer peripheral surface", but rather, part (or a "subset" as the appellant has indicated) of the outer peripheral surface of the dial. Therefore, the language "radially innermost" neither contracts nor fails to be described in the specification as originally filed. The usage of such language is, in a way, a redundant adjective and an attempt to further define over the prior art of record.

The appellant must within **TWO MONTHS** from the date of the supplemental examiner's answer exercise one of the following two options to avoid *sua sponte* dismissal of

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the appeal as to the claims subject to the rejection for which the Board has remanded the proceeding:

(1) **Reopen prosecution.** Request that prosecution be reopened before the examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit, or other evidence. Any amendment, affidavit, or other evidence must be relevant to the issues set forth in the remand or raised in the supplemental examiner's answer. Any request that prosecution be reopened will be treated as a request to withdraw the appeal. See 37 CFR 41.50(a)(2)(i).

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. If such a reply brief is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened under 37 CFR 41.50(a)(2)(i). See 37 CFR 41.50(a)(2)(ii).

Extensions of time under 37 CFR 1.136(a) are not applicable to the **TWO MONTH** time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.